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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,484	05/24/2005	Brian Poggi	209188 (8830-335)	6885
23973	7590	08/31/2006	EXAMINER	
DRINKER BIDDLE & REATH ATTN: INTELLECTUAL PROPERTY GROUP ONE LOGAN SQUARE 18TH AND CHERRY STREETS PHILADELPHIA, PA 19103-6996			LOVELL, LEAHS	
		ART UNIT	PAPER NUMBER	
			2875	
DATE MAILED: 08/31/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/536,484	POGGI, BRIAN	
	Examiner Leah S. Lovell	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 June 2006.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 30-62 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 30-34,39 and 49-51 is/are rejected.
 7) Claim(s) 35-38,40-48 and 52-62 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 24 May 2005 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 30, 31, 32, and 39 are rejected under 35 U.S.C. 102(b) as being anticipated Thrasher et al. (US 6,241,361).

Regarding claim 30, Thrasher teaches an underwater pool light comprising:

a housing [16, 12];

a light source [20] located within the housing;

a lens [24] sealingly connected to the housing by a plurality of fasteners [78]; and

a guard member [26] adapted to prevent unfastening of at least one of the plurality of fasteners such that the light source is enclosed within a permanently sealed body [the guard member attaches to part 12 of the housing that permanently positioned within the cement walls of the swimming pool; therefore meets this limitation].

Thrasher's bezel does, in fact, prevent access from the barbed clips. When the bezel is in position, a swimmer cannot remove the lens unless the bezel is removed. Therefore, the bezel prevents access to the lens and clips when it is properly positioned.

In regard to claim 31, Thrasher teaches the guard member including a plurality of protrusions [82], which are receivable in apertures provided at the lens [figure 2].

In regard to claim 32, Thrasher teaches the housing including an integral connector for external connection to an electrical supply cable [figure 2], and the pool light includes electrical connection means within the housing connecting the light source to the integral connector [figure 2].

Regarding claim 39, Thrasher teaches a niche [12] and mounting means for mounting the housing to the niche [figure 5].

3. Claims 30, 32, 39, and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by Ruthenberg (US 6,184,628).

In regard to claim 30, Ruthenberg teaches an underwater pool light comprising:

- a housing [36, 64];
- a light source [10] located within the housing;
- a lens [46] sealingly connected to the housing by a plurality of fasteners [figure 1]; and
- a guard member [figure 1] adapted to prevent unfastening of at least one of the plurality of fasteners such that the light source is enclosed within a permanently sealed body [the guard member attaches to part 64 of the housing that permanently positioned within the cement walls of the swimming pool; therefore meets this limitation].

While the unlabeled fasteners are easily accessible, they still perform the task of enclosing the light source within a permanently sealed body. The guard member

requires the fasteners to be screwed into place thus holding its form until it is removed with tools.

In regard to claim 32, Ruthenberg teaches the housing including an integral connector for external connection to an electrical supply cable [figure 1], and the pool light includes electrical connection means within the housing connecting the light source to the integral connector [figure 1].

Regarding claim 35, Ruthenberg teaches

Regarding claim 39, Ruthenberg teaches a niche [64] and mounting means for mounting the housing to the niche [figure 1].

In regard to claim 49, Ruthenberg teaches the housing including a collar projecting from a face of the housing [figure 1].

4. Claims 30, 31, 39, 50 are rejected under 35 U.S.C. 102(b) as being anticipated by Poppenheimer (US 5,556,188).

In regard to claim 30, Poppenheimer teaches an underwater pool light comprising:

- a housing [16];
- a light source [62] located within the housing;
- a lens [10] sealingly connected to the housing by a plurality of fasteners [figure 2]; and
- a guard member [12] adapted to prevent unfastening of at least one of the plurality of fasteners [98] such that the light source is enclosed within a permanently sealed body.

While bolt 34 is clearly accessible, it still perform the task of enclosing the light source within a permanently sealed body. The guard member requires the fastener to be screwed into place thus holding its form until it is removed with tools.

Regarding claim 31, Poppenheimer teaches the guard member including a plurality of protrusions [92], which are receivable in apertures provided at the lens [figure 2].

Regarding claim 39, Poppenheimer teaches a niche [14] and mounting means for mounting the housing to the niche [column 2, lines 48-57].

In regard to claim 50, Poppenheimer teaches at least two openings for allowing the flow of water into and out of the niche [column 2, line 45-47].

5. Claims 30, 32, 39, 49 are rejected under 35 U.S.C. 102(b) as being anticipated by Rowley et al. (US 3,962,675).

In regard to claim 30, Rowley teaches an underwater pool light comprising:

- a housing [30];
- a light source receptacle [31] that inherently connects with a light source located within the housing;
- a lens [38] sealingly connected to the housing by a plurality of fasteners [figure 2]; and
- a guard member [42] adapted to prevent unfastening of at least one of the plurality of fasteners [46] such that the light source is enclosed within a permanently sealed body.

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While retaining screw 46 is clearly accessible, it still perform the task of enclosing the light source within a permanently sealed body. The guard member requires the fastener to be screwed into place thus holding its form until it is removed with tools.

In regard to claim 32, Rowley teaches the housing including an integral connector for external connection to an electrical supply cable [22], and the pool light includes electrical connection means within the housing connecting the light source to the integral connector [24].

Regarding claim 39, Rowley teaches a niche [figure 2] and mounting means for mounting the housing to the niche [figure 3].

Regarding claim 49, Rowley teaches the housing including a collar projecting from a face of the housing [figure 3].

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Poppenheimer (US 5,556,188) as applied to claims 30, 39, and 50 and further in view of Thrasher et al. (US 6,241,361). Poppenheimer teaches at least two openings for allowing the flow of water into and out of the niche [column 2, line 45-47]. However, Poppenheimer lacks the teaching of the shapes of the openings. Thrasher teaches

castellations around the lens [figure 1]. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide castellations, like those of Thrasher, around the edge of the lens of Poppenheimer. The castellations would ensure even flow of water in and out the niche to provide proper cooling for the light source.

8. Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being obvious over Rowley et al. (US 3,962,675) as applied to claims 30 and 32 and further in view of Poggi (US 5,800,041). While Rowley does not teach a connector, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide Rowley with a wet mateable connector—which are well known in the art—on the cord [24]. The wet mateable connector would allow a person to disconnect the entire lighting unit for repair while providing a safe connection means around water. Poggi teaches a wet mateable connector which is suitable for an underground pool light.

Regarding claim 34, Neither Rowley or Poggi teach a keyed portion for the connector. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a keyed portion for ease in aligning the connector.

Allowable Subject Matter

9. Claims 34-38, 40-48, and 52-62 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Prior art fails to show or teach a wet mateable connector having a keyed portion; the connector having pins to connect the two portions of the socket; the pins having sleeves; the sleeves being made of plastic; a niche wherein the housing slides into place at an adjustable distance; the

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niche having a bracket adapted to connect to a fastening rod; a lens having multiple regions to direct light in directions normal to the wall and parallel to the wall; and a reflector having two portions, wherein one is parabolic and one directs light toward the lens.

Response to Arguments

10. Applicant's arguments filed 21 June 2006 have been fully considered but they are not persuasive. Applicant argues that none of the provided art indicates their respective underwater lights as "disposable." Examiner would like to point out that NONE of the claims indicate that the units must be disposable. Also, even if it was disclosed in the claims that the unit must be disposable, Examiner would like to point out that anything can be disposable—meaning capable of being discarded. In response to the arguments of the fasteners being "easily accessible," it is not disclosed in the any of the claims that the fasteners cannot be easily accessible. The claims only specify that they cannot be unfastened. All references provide fasteners that, while they are easily accessible, they are not easily removable. Applicant is reminded that almost all light sources can be found within a permanently sealed body. For example, a light bulb, in its simple form is composed of a filament, the surrounding bulb, and the electrical connector. The filament is the light source and it is permanently sealed within the bulb by the electrical connector. Similar rationales can be deduced for other forms of sources (LED, fluorescent, etc).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

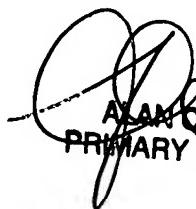
- Duff et al. (US 6,203,173)
- Ruiz (US 6,152,571)
- Wade (US 4,433,366)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leah S. Lovell whose telephone number is (571) 272-2719. The examiner can normally be reached on Monday through Friday 7:45 a.m. until 4:15 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on (571) 272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Leah Lovell
Examiner
24 August 2006



ALAN CARIASO
PRIMARY EXAMINER